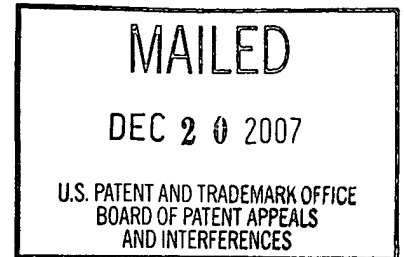


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: SHELL SIMPSON

Application No. 10/052,617



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 10, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

EXAMINER'S ANSWER

New Grounds of Rejection

On August 7, 2007, an Examiner's Answer was mailed. The Examiner's Answer includes a new ground of rejection, where claims 8-10, 16, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tammi (US Patent 5,726, 897) in view of Gleason (US Patent 5,091, 777) and further in view of Stewart (US Patent 6,714,964) and 28-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tammi (US Patent 5,726, 897) in view of Gleason (US Patent 5,091, 777), Pollard (US Patent 5,745, 590), and the Applicant's admitted prior art.

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A review of the application reveals that the Final Rejection mailed October 16, 2006, rejected claims 8-10, 16, 19, 24-25, and 30-31 under 35 U.S.C. 103(a) as being unpatentable over Tammi (US Patent 5,726, 897) in view of Gleason (US Patent 5,091, 777) and further in view of Stewart (US Patent 6,714,964) and 28, 33-35 under 35 U.S.C. 103(a) as being unpatentable over Tammi (US Patent 5,726, 897) in view of Gleason (US Patent 5,091, 777), Pollard (US Patent 5,745, 590), and the Applicant's admitted prior art.

When a new ground of rejection is introduced in the Examiner's Answer, the Examiner is required to obtain approval of the Technology Center Director or his/her designee. Further, any new ground of rejection is required to be prominently identified, e.g., a separate heading with all capitalized letters. See MPEP § 1207.02(A)(6)(d).

To correct this problem, the examiner will need to vacate the Examiner's Answer mailed August 7, 2007, and mail a Supplemental Examiner's Answer with the approval of the Technology Center Director or designee.

CONCLUSION

Accordingly, it is

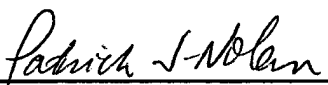
ORDERED that the application is returned to the Examiner to:

1) issue and mail a revised Examiner's Answer properly identifying any new grounds of rejection; and

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2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN/tsj

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